

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	
Joseph & Rita Watkins Matlock	}	<b>Case No. 3:15-bk-07353</b>
905 Applevalley Rd	}	
Madison, TN, 37115	}	<b>Chapter: 13</b>
	}	
	}	Judge Charles Walker
	}	
Debtor.	}	

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 4/9/2018**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 4/25/2018** in Courtroom 1, Second  
Floor, Customs House, 701 Broadway, Nashville, TN 37203

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**NOTICE OF MOTION FOR SUSPENSION OF PAYMENTS FOR DEBTOR ONLY**

The Debtor has asked the Court for the following relief: Motion for Suspension of Payments for Debtor  
Only

**YOUR RIGHTS MAY BE AFFECTED.**

If you do not want the court to grant the attached motion, or if you want the court to consider your  
views on the motion, then on or before 4/9/2018 , you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, P.O. Box 24890, Nashville, TN 37202-489090  
In Person: U.S. Bankruptcy Court, 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN  
(Monday- Friday, 8:00 a.m. – 4:00 p.m.)

2. Your responses must state that the deadline for filing responses is 4/9/2018: the date of the scheduled  
hearing is 4/25/2018: and the motion to which you are responding is: Motion for Suspension of  
Payments for Debtor only. If you want a file stamped copy returned, you must include an extra copy and  
a self-addressed, stamped envelope.
3. You must also mail a copy of your response to:  
  
Jonathan Augusta, 731 Porter Rd, Nashville, TN 37206, and see Certificate of Service for additional  
parties to serve (attached hereto)

If a timely response is filed, the hearing will be held at the time and place indicated above. ***THERE  
WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response  
has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at  
[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov). If you received this notice by mail, you may have three additional days in which to file  
a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief  
sought in the motion and may enter an order granting relief.

Date: Sunday, March 18, 2018	Signature: <u>/s/ Jonathan Augusta</u>
	Name: Law Offices of Jonathan Augusta
	Address: 731 Porter Rd, Nashville, TN 37206,
	Email: <a href="mailto:derricaugusta@comcast.net">derricaugusta@comcast.net</a>

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	
Joseph & Rita Watkins Matlock	}	<b>Case No.</b> 3:15-bk-07353
905 Applevalley Rd	}	
Madison, TN, 37115	}	<b>Chapter:</b> 13
	}	
	}	Judge Charles Walker
Debtor.	}	

**MOTION FOR SUSPENSION OF PAYMENTS FOR DEBTOR ONLY AND NOTICE OF PROPOSED ACTION**

COMES NOW the DebtorS, by and through counsel, pursuant to 11 U.S.C. § 1323 and would request that the Court enter an order allowing the Debtor, Joseph Matlock, to suspend his Chapter 13 plan payments for February 2018, March 2018, April 2018.

The Debtors' Chapter 13 proceeding was filed on 10/14/2015 , and a plan was confirmed paying a dividend of 20% to unsecured creditors.

As grounds, the Debtors' counsel would submit that:

1. The Debtor, Joseph Matlock, is seeking permission to suspend their Chapter 13 plan payment to reflect a reduction in his income.
2. The Debtor is currently going through treatments for prostate cancer and is temporarily unable to work. The Debtor spouse, Rita Watkins Matlock, would like to continue funding the plan through her husband's suspension period.
3. An amended budget is attached hereto along with a certification of the Debtors in support of the feasibility of this motion.
4. The Debtor, Joseph Matlock, proposes to surrender all future income tax refunds to the Chapter 13 Trustee for as long as the bankruptcy is active.
5. The Debtor, Joseph Matlock, shall attend a Money Management Workshop at the Office of the Chapter 13 Trustee within 45 days from completion of the suspension period.

6. Should the Debtor fail to make timely payments in accordance with the confirmation order following the suspension of payments, the Debtors Chapter 13 plan shall be dismissed upon application by the Chapter 13 Trustee without further notice of a court hearing.

#### **STATEMENT OF IMPACT**

7. Following the suspension period the Debtor's, Joseph Matlock, Chapter 13 plan payment shall remain at \$ 150.00 Bi-Weekly.
8. During the suspension period, the Debtor-Spouse's, Rita Watkins Matlock, chapter 13 plan payment shall remain at \$312.25 Bi-Weekly.
9. The dividend shall remain the same at 20%.
10. The base shall remain the same.
11. There shall be no change in treatment to other secured creditors.
12. No other terms of the confirmation order shall be affected by this modification.

Respectfully submitted,

/s/ Jonathan Augusta\_\_\_\_\_

D. Jonathan Augusta, BPR #25880, Attorney for Debtor  
731 Porter Rd  
Nashville, TN 37206  
(615) 600-4577  
fax: (615)249-3448  
derricaugusta@comcast.net

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:	)	
	)	
	)	CASE NO.
	)	CHAPTER [12 or 13]
Debtor(s).	)	JUDGE
	)	

**AMENDED MONTHLY FAMILY BUDGET**

	<u>Prior Budget*</u>	<u>Current Budget*</u>
Dates of Budgets:	_____	_____
<b><u>EXPENSES</u></b>		
Rent/Mortgage Payment:	_____	_____
Utilities:	Prior*	Current*
Electric:	_____	_____
Water:	_____	_____
Heat:	_____	_____
Telephone/Internet	_____	_____
Trash:	_____	_____
Cable/Satellite:	_____	_____
Other (_____):	_____	_____
<b>Total Utilities:</b>	_____	_____
Food:	_____	_____
Clothing:	_____	_____
Laundry & Dry Cleaning:	_____	_____
Newspapers, Books, etc.:	_____	_____
Medical & Dental Expenses:	_____	_____
Transportation:	_____	_____
Insurance (not deducted from wages):		
Auto:	_____	_____
Life:	_____	_____
Home:	_____	_____
Renters:	_____	_____
Other (_____):	_____	_____
<b>Total Insurance:</b>	_____	_____
Taxes (not deducted from wages)	_____	_____
Child Support	_____	_____
Home Maintenance	_____	_____
Other Monthly Expenses (_____):	_____	_____
<b>TOTAL MONTHLY EXPENSES:</b>	_____	_____

APPENDIX B  
AMENDED MONTHLY FAMILY BUDGET

**INCOME**

Debtor's Gross Income:

Spouse's Gross Income:

Payroll Deductions:

Prior\* Current\*

Payroll Taxes:

401(k):

Other ( )::

Total Payroll Deductions:

Other Regular Income:

Support/Alimony:

Pension/SS/VA:

Other ( )::

Total Other Regular Income:

Prior Budget\*Current Budget\***TOTAL MONTHLY INCOME:****SUMMARY:****Total Monthly Income (from above):****minus Total Monthly Expenses (from page 1):****equals Monthly Surplus:****Monthly Plan Payment:****Duration of Plan (months):****Dividend to Unsecured Creditors (%):****Secured Creditors Affected:**

\* Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:

(Debtor)

(Date)

(Debtor)

(Date)

**APPENDIX B  
AMENDED MONTHLY FAMILY BUDGET**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

**DRAFT**

IN RE:	}	
Joseph & Rita Watkins Matlock	}	<b>Case No.</b> 3:15-bk-07353
905 Applevalley Rd	}	
Madison, TN, 37115	}	<b>Chapter:</b> 13
SSN: XXX-XX-3728	}	
	}	Judge Charles Walker
Debtor(s).	}	
	}	

**PROPOSED ORDER GRANTING MOTION FOR SUSPENSION OF PAYMENTS FOR  
DEBTOR ONLY**

It appears to the United States Bankruptcy Court for the Middle District of Tennessee that the Debtors filed a Motion for Suspension of Payments for the Debtor only and notice of said motion has been given pursuant to L.B.R. 9013-1 to all parties in interest. It further appears to the Court that twenty one(21) days have elapsed since the date of service of the motion and no responses have been forthcoming from any party in interest.

It is therefore ORDERED as follows:

1. The Debtor, Joseph Matlock, shall be permitted to suspend his Chapter 13 payments for February 2018, March 2018, April 2018
2. Following the suspension period the Debtor's Chapter 13 plan payment shall remain \$ 150.00 Bi-Weekly
3. During the suspension period, the Debtor-Spouse's, Rita Watkins Matlock, chapter 13 plan payment shall remain at \$312.25 Bi-Weekly.
4. The dividend shall remain the same at 20 %.
5. The base shall remain the same.
6. The Debtor, Joseph Matlock, shall surrender all future income tax refunds to the Chapter 13 Trustee for as long as the bankruptcy is active.
7. Base shall be increased by these future tax refunds.

8. The Debtor, Joseph Matlock, shall attend a Money Management Workshop at the Office of the Chapter 13 Trustee within 45 days from the completion of the suspension period.
9. Should the Debtor fail to make timely payments in accordance with the confirmation order following the suspension of payments, the Debtors' Chapter 13 plan shall be dismissed upon application by the Chapter 13 Trustee without further notice of a court hearing.
10. There shall be no change in treatment to other secured creditors.
11. No other terms of the confirmation order shall be affected by this modification.

IT IS SO ORDERED.

*This order was electronically signed and entered as indicated at the top of the first page*

/s/ Jonathan Augusta\_\_\_\_\_

D. Jonathan Augusta, BPR #25880, Attorney for Debtor  
731 Porter Rd  
Nashville, TN 37206  
(615) 600-4577  
fax: (615)249-3448  
derricaugusta@comcast.net

**CERTIFICATE OF SERVICE**

I hereby certify that on Sunday, March 18, 2018 I furnished a true and correct copy of the foregoing to the following parties in interest:

Electronic

Henry E. Hildebrand, III  
Chapter 13 Trustee  
P.O. Box 340019  
Nashville, TN 37203

Electronic

**Sam Crocker**, U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville, TN 37203

U.S. Mail First Class

Joseph & Rita Watkins Matlock  
905 Applevalley Rd  
Madison, TN, 37115

/s/Jonathan Augusta

Jonathan Augusta



**3:15-bk-07353 JOSEPH LEE MATLOCK and RITA WATKINS MATLOCK**  
**Case type: bk Chapter: 13 Asset: Yes Vol: v Judge: Keith M Lundin**  
**Date filed: 10/14/2015 Date of last filing: 03/22/2016 Plan confirmed: 12/22/2015**

## **Creditors**

**A & A IMPORTS**  
604 N. GALLATIN PIKE  
MADISON, TN 37115  
(5963190)  
(cr)

**A&A MOTORS**  
ATTN: MOJTABA RABIEI  
601 N. GALLATIN PIKE  
Madison TN 37115  
(5926439)  
(cr)

**ADVANCE FINANCIAL**  
1901 CHURCH STREET  
Nashville TN 37203  
(5926440)  
(cr)

**Afni**  
Attention: Bankruptcy  
1310 Martin Luther King Dr  
Bloomington IL 61701  
(5926441)  
(cr)

**AMERICAN CAR CENTER**  
ATTN: BOB SHIVERS, JR.  
6400 WINCHESTER RD.  
Memphis TN 38115-8117  
(5926443)  
(cr)

**AMERICAN CAR CENTER**  
1425 GALLATIN PIKE N.  
Madison TN 37115  
(5926442)  
(cr)

**American Financial**  
6400 Winchester Road  
Memphis, TN 38115  
(5937342)  
(cr)

**American InfoSource LP as agent for**  
DIRECTV, LLC  
PO Box 51178  
Los Angeles, CA 90051-5478  
(6021590)  
(cr)

**AmeriCredit Financial Services, Inc. dba GM Financ** (5945088)  
P O Box 183853 (cr)  
Arlington, TX 76096

**AmeriCredit Financial Services, Inc. dba GM Financ** (5954121)  
P O Box 183853 (ntcapr)  
Arlington, TX 76096

**BUFFALOE & ASSOCIATES**  
44 VANTAGE WAY (5926444)  
SUITE 500 (cr)  
Nashville TN 37228

**CASHNET USA** (5926445)  
200 W. JACKSON, STE 1400 (cr)  
Chicago IL 60606

**CashNetUSA**  
175 W Jackson Blvd (5986276)  
Suite 1000 (cr)  
Chicago, IL 60604

**Colonial Auto Finance/** (5926446)  
802 Se Plaza Ave Ste 114 (cr)  
Bentonville AR 72712

**Credit Acceptance**  
Attn: Bankruptcy Dept (5926447)  
25505 West 12 Mile Rd Ste 3000 (cr)  
Southfield MI 48034

**Credit Central** (5926448)  
700 E North St Ste 15 (cr)  
Greenville SC 29601

**Credit Collections Svc** (5926449)  
Po Box 773 (cr)  
Needham MA 02494

**Delbert Services/consu** (5926450)  
Rodney Square N 1100 N M (cr)  
Wilmington DE 18901

**DISCOUNT MOTORS**  
ATTN: WILLIAM SHUBERT - AGENT (5926451)  
1108 GALLATIN PIKE N. (cr)  
McMinnville TN 37110-2738

**Discount Motors, Inc.** (5977920)  
c/o William Timothy Hill, Atty (cr)

201 4th Ave N Ste 1800  
Nashville, TN 37219

**DRIVE TIME**

C/O CORPORATION SERVICE COMPANY (5926452)  
2908 POSTON AVE. (cr)  
Nashville TN 37203-1312

**DT Credit Company LLC**

PO Box 29018 (6011721)  
Phoenix, AZ 85038 (cr)

**ELIZABETH MATLOCK**

3908 TUCKER RD. (5926453)  
Nashville TN 37218 (cr)

**First Premier Bank**

3820 N Louise Ave (5926454)  
Sioux Falls SD 57107 (cr)

**Gm Financial**

Po Box 181145 (5926455)  
Arlington TX 76096 (cr)

**HEIGHTS FINANCE**

C/O NATIONAL REGISTERED AGENTS, INC. (5926456)  
800 GAY STREET, STE. 2021 (cr)  
Knoxville TN 37929-9710

**Heights Finance Corp**

1117 Columbia Ave Ste B (5926457)  
Franklin TN 37064 (cr)

**HEIGHTS FINANCE CORP.**

366 WEST MAIN STREET SUTIE 5B (5959105)  
HENDERSONVILLE TN 37075 (cr)

**HSBC CARD SERVICES**

P.O. BOX 5253 (5926458)  
Carol Stream IL 60197-5222 (cr)

**InSolve Auto Funding, LLC , c/o Capital Recovery G**

PO Box 64090 (6000887)  
Tucson, AZ 85728-4090 (cr)

**INTERNAL REVENUE SERVICE**

CENTRALIZED INSOLVENCY OPERATION (5926459)  
P.O. BOX 7346 (cr)  
Philadelphia PA 19101-7346

<b>INTERNAL REVENUE SERVICE</b> 801 BROADWAY Nashville TN 37203	(5926460) (cr)
<b>National Credit Adjusters, LLC</b> Attn: Michael Swanson PO BOX 3023 Hutchinson, KS 67504	(6024090) (cr)
<b>Navient</b> Po Box 9500 Wilkes Barre PA 18773	(5926461) (cr)
<b>Navient Solutions, Inc. on behalf of</b> United Student Aid Funds, Inc. Attn: Bankruptcy Litigation Unit E3149 PO Box 9430 Wilkes Barre, PA 18773-9430	(5967065) (cr)
<b>Portfolio Recovery</b> Attn: Bankruptcy Po Box 41067 Norfolk VA 23541	(5926462) (cr)
<b>PORTFOLIO RECOVERY</b> ATTN: NATHAN HORTON, ESQ. 120 CORPORATE BLVD. Norfolk VA 23502	(5926463) (cr)
<b>Portfolio Recovery Associates, LLC</b> POB 12914 Norfolk VA 23541	(5956002) (cr)
<b>Premier Bankcard, Llc</b> c o Jefferson Capital Systems LLC Po Box 953185 St Louis Mo 63195-3185	(5996116) (cr)
<b>PURE ROMANCE</b> 655 PLUM ST. Cincinnati OH 45202	(5926464) (cr)
<b>SKY TRAIL CASH - Ningodwaaswi, LLC</b> PO BOX 1115 Lac Du Flambeau WI 54538	(5926465) (cr)
<b>Stellar Recovery Inc</b> 4500 Salisbury Rd Ste 10 Jacksonville FL 32216	(5926466) (cr)

**SUN LOAN**

C/O CAPITOL CORPORATE SERVICES  
992 DAVIDSON DR, STE B  
Nashville TN 37205

(5926467)  
(cr)

**Sun Loans**

620 Gallatin Pike  
Madison TN 37115

(5926468)  
(cr)

**WESTERN SKY FINANCIAL**

612 EAST STREET  
Timber Lake SD 57656

(5926469)  
(cr)